IN THE UNITED STATES DISTRICT COURT

FOR THE Southern DISTRICT OF TEXAS

Houston Division

United States Courts
Southern District of Texas
FILED
JUN 1 9 2002
Michael N. Milby, Clerk

PETITION FOR A WRIT OF HABEAS CORPUS BY A PERSON IN STATE CUSTODY

William Lewis Reece
PETITIONER
(Full name of Petitioner)

O.B. Ellis Unit, Huntsville, Texas
CURRENT PLACE OF CONFINEMENT

#831080
PRISONER ID NUMBER

VS.

Janie Cockrell, Director TDCJ-ID
RESPONDENT
(Name of TDCJ Director, Warden, Jailor, or authorized person having custody of petitioner)

H-02-2288
CASE NUMBER
(Supplied by the Clerk of the District Court)

INSTRUCTIONS - READ CAREFULLY

1. The petition must be legibly handwritten or typewritten, and signed by the petitioner, under penalty of perjury. Any false statement of an important fact may lead to prosecution for perjury. Answer all questions in the proper space on the form.

2. Additional pages are not allowed except in answer to questions 11 and 20. Do not cite legal authorities. Any additional arguments or facts you want to present must be in a separate memorandum.

3. When the Clerk of Court receives the $5.00 filing fee, the Clerk will file your petition if it is in proper order.

4. If you do not have the necessary filing fee, you may ask permission to proceed *in forma pauperis*. To proceed *in forma pauperis*, (1) you must sign the declaration provided with this petition to show that you cannot prepay the fees and costs, and (2) if you are confined in TDCJ-ID, you must send in a certified *In Forma Pauperis* Data Sheet from the institution in which you are confined. If you are in an institution other than TDCJ-ID, you must send in a certificate completed by an authorized officer at your institution certifying the amount of money you have on deposit at that institution. If you have access or have had access to enough funds to pay the filing fee, then you must pay the filing fee.

5. Only judgments entered by one court may be challenged in a single petition. If you want to challenge judgments entered by different courts, either in the same state or in different states, you must file separate petitions as to each court.

6. Include all your grounds for relief and all the facts that support each ground for relief in this petition.

7. When you have finished filling out the petition, mail the original and two copies to the Clerk of the United States District Court for the federal district within which the State court was held which convicted and sentenced you, or to the federal district in which you are in custody. A "VENUE LIST," which lists U.S. District Courts in Texas, their divisions, and the addresses for the clerk's office for each division, is posted in your unit law library. You may use this list to decide where to mail your petition.

8. Petitions that do not meet these instructions may be returned to you.

PETITION

What are you challenging? (Check only one)

- ☒ A judgment of conviction or sentence, probation or deferred-adjudication probation (Answer Questions 1-4, 5-12 & 20-23)
- ☐ A parole revocation proceeding. (Answer Questions 1-4, 13-14, & 20-23)
- ☐ A disciplinary proceeding. (Answer Questions 1-4, 15-19 & 20-23)

All petitioners must answer questions 1-4:

1. Name and location of the court (district and county) which entered the conviction and sentence that you are presently serving or that is under attack:
184th Judicial district, Harris, County, Texas

2. Date of judgment of conviction: April 28,1998

3. Length of sentence: 60 years confinement TDCJ-ID

4. Nature of offense and docket number (if known): aggravated kidnapping, #766088

Judgment of Conviction or Sentence, Probation or Deferred-Adjudication Probation:

5. What was your plea? (Check one)

☒ Not Guilty ☐ Guilty ☐ Nolo contendere

6. Kind of trial: (Check one) ☒ Jury ☐ Judge Only

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7. Did you testify at the trial? ☐ Yes ☒ No

8. Did you appeal the judgment of conviction? ☒ Yes ☐ No

9. If you did appeal, in what appellate court did you file your direct appeal?

14th Court of Appeals Cause Number (if known) ____________

What was the result of your direct appeal (affirmed, modified or reversed): Affirmed

What was the date of that decision? July 21,2000

If you filed a petition for discretionary review after the decision of the court of appeals, answer the following:

Result: Denied.

Date of result: August 20,2000 Cause Number (if known): ____________

If you filed a petition for *writ of certiorari* with the United States Supreme Court, answer the following:

Result: None filed

Date of result: None filed

10. Other than a direct appeal, have you filed any petitions, applications or motions from this judgment in any court, state or federal? This includes any state application for writ of habeas corpus that you may have filed.

☒ Yes ☐ No

11. If your answer to 10 is "Yes," give the following information:

Name of court: 184th Judicial District court, Harris County, Texas

Nature of proceeding: Application for post-conviction writ of habeas corpus (11.07)

Cause number (if known): ____________

Date (month, day and year) you filed the petition, application or motion as shown by a file-stamped date from the particular court.

____

Grounds raised: (1)prosecutorial misconduct(2)Ineffective assistance of counsel (3)Prosecutorial misconduct(4)Prosecutorial misconduct(5)Insufficient evidence (6)Jury misconduct(7)Inadmissiable scientific evidence(8)prosecutoril misconduct (9)prosecutorial misconduct(10)Cumulative effect of the errors.

See Petitoners Exhibit # 50

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Date of final decision: ______________________

Name of court that issued the final decision: Texas Court of Criminal Appeals

As to any ***second*** petition, application or motion, give the same information:

Name of court: none filed

Nature of proceeding: none filed

____

Date (month, day and year) you filed the petition, application or motion as shown by a file-stamped date from the particular court.

none filed

Grounds raised: none filed

____

____

Date of final decision: none filed

Name of court that issued the final decision: none filed

If you have filed more than two petitions, applications, or motions, please attach an additional sheet of paper and give the same information about each petition, application, or motion.

12. Do you have any future sentence to serve after you finish serving the sentence you are attacking in this petition?

☐ Yes ☒ No

(a) If your answer is "yes," give the name and location of the court that imposed the sentence to be served in the future:

N/A

____

(b) Give the date and length of the sentence to be served in the future: N/A

____

(c) Have you filed, or do you intend to file, any petition attacking the judgment for the sentence you must serve in the future?

☐ Yes ☒ No

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Parole Revocation:

13. Date and location of your parole revocation: N/A

14. Have you filed any petitions, applications, or motions in any state or federal court challenging your parole revocation?

☐ Yes ☒ No

If your answer is "yes," complete Question 11 above regarding your parole revocation.

Disciplinary Proceedings:

15. For your original conviction, was there a finding that you used or exhibited a deadly weapon? ☐ Yes ☐ No

16. Are you eligible for mandatory supervised release? ☐ Yes ☐ No

17. Name and location of prison or TDCJ Unit that found you guilty of the disciplinary violation:

____

Disciplinary case number: ______________________________

18. Date you were found guilty of the disciplinary violation: ______________________________

Did you lose previously earned good-time credits? ☐ Yes ☐ No

Identify all punishment imposed, including the length of any punishment if applicable, any changes in custody status, and the number of earned good-time credits lost: ___________

____

19. Did you appeal the finding of guilty through the prison or TDCJ grievance procedure?

☐ Yes ☐ No

If your answer to Question 19 is "yes," answer the following:

Step 1 Result: ______________________________

____

Date of Result: ______________________________

Step 2 Result: ______________________________

____

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Date of Result: ______________________________

All applicants must answer the remaining questions:

20. State clearly every ground on which you claim that you are being held unlawfully. Summarize briefly the facts supporting each ground. If necessary, you may attach pages stating additional grounds and facts supporting them.

CAUTION:
Exhaustion of State Remedies: You must ordinarily present your arguments to the highest state court as to each ground before you can proceed in federal court.
Subsequent Petitions: If you fail to set forth all grounds in this petition, you may be barred from presenting additional grounds at a later date.

Following is a list of the most frequently raised grounds for relief in habeas corpus proceedings. Each statement is a separate ground for possible relief. You may raise any grounds, even if not listed below, if you have exhausted your state court remedies. However, you should raise in this petition all available grounds (relating to this conviction) on which you base your belief that you are being held unlawfully.

DO NOT JUST CHECK ONE OR MORE OF THE LISTED GROUNDS. Instead, you must also STATE the SUPPORTING FACTS for ANY ground you rely upon as the basis for your petition.

(a) Conviction obtained by a plea of guilty which was unlawfully induced, or not made voluntarily, or made without an understanding of the nature of the charge and the consequences of the plea.

(b) Conviction obtained by the use of a coerced confession.

(c) Conviction obtained by the use of evidence gained from an unconstitutional search and seizure.

(d) Conviction obtained by the use of evidence obtained from an unlawful arrest.

(e) Conviction obtained by a violation of the privilege against self-incrimination.

(f) Conviction obtained by the prosecution's failure to tell the defendant about evidence favorable to the defendant.

(g) Conviction obtained by the action of a grand or petit jury which was unconstitutionally selected and impaneled.

(h) Conviction obtained by a violation of the protection against double jeopardy.

(i) Denial of effective assistance of counsel.

(j) Denial of the right to appeal.

(k) Violation of my right to due process in a disciplinary action taken by prison officials.

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A. **GROUND ONE:** see Petitioner Brief in Support for a complete discussion of Petitioners point of error numbers one through eight.

Supporting FACTS (tell your story briefly without citing cases or law):

See petitioners Brief inSupport for a complete discussion of his point of error numbers one through eight.

B. **GROUND TWO:** See Petitioners Brief in Support for a complete discussion of Petitioners point of error numbers one through eight.

Supporting FACTS (tell your story briefly without citing cases or law):

See Petitioners Brief in Support for a complete discussion of his points of error numbers one through eight.

C. **GROUND THREE:** See Petitioners Brief in Support for a complete discussion of Petitioners points of error numbers one through eight.

Supporting FACTS (tell your story briefly without citing cases or law):

See Petitioners Brief in support for a complete discussion of his point of error numbers one through eight.

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D. **GROUND FOUR:** See Petitioners Brief in support for a complete discussion of Petitioners points of error numbers one through eight.

Supporting FACTS (tell your story briefly without citing cases or law):

See Petitioners Brief in Support for a complete discussion of his points of error numbers one through eight.

21. Have you previously filed a federal habeas petition attacking the same conviction, parole revocation, or disciplinary proceeding that you are attacking in this petition?

☐ Yes ☒ No

If your answer is "yes," give the date on which each petition was filed, the federal court in which it was filed, and whether the petition was (a) dismissed without prejudice or (b) denied.

N/A

22. Are any of the grounds listed in paragraph 20 above presented for the first time in this petition?

☐ Yes ☒ No

If your answer is "yes," state briefly what grounds are presented for the first time and give your reasons for not presenting them to any other court, either state or federal.

N/A

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23. Do you have any habeas corpus proceedings or appeals now pending in any court, either state or federal, relating to the judgment or proceeding under attack?

☐ Yes ☒ No

If "yes," identify each type of proceeding that is pending (i.e., direct appeal, art. 11.07 application, or federal habeas petition), the court in which each proceeding is pending, and the date each proceeding was filed.

N/A

Wherefore, petitioner prays that the Court grant him the relief to which he may be entitled.

Signature of Attorney (if any)

I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct and that this Petition for Writ of Habeas Corpus was placed in the prison mailing system on 6-14-02 (month, date, year).

Executed on 6-14-02 (date).

William Reece #831680
Signature of Petitioner (required)

Petitioner's current address: O. B. Ellis unit
Huntsville, tx 77343-0001